

ALEXANDRIA AD HOC CODE OF CONDUCT REVIEW COMMITTEE

DRAFT MINUTES

Thursday, March 10, 2016
Sister Cities Conference Room
City Hall, 301 King St.
7:00 p.m.

Present:

George Foote, Chair
Deb Roepke
Al Pierce
Herve Aitken
Randy Sengel
Frank Shafroth
Lynwood Campbell
Mark Abramson

Staff:

Noraine Buttar, Special Assistant, CMO
Meghan Roberts, Assistant City Attorney
Jean Kelleher, Director, Human Rights
Joanna Anderson, Deputy City Attorney

Excused:

Jennifer Atkins

1. Chair Foote called the meeting to order at 6:59pm and introduced members of the committee and staff.

Chair Foote offered his view that the committee's task is both easy and hard – easy, because there is no corruption in the City, but difficult, because, while there are not specific problems to be addressed, there are important principles to be articulated. He noted that there were various viewpoints evident during the City Council meeting in January when Resolution No. 2707 was passed. He explained that committee members have obligations to exercise their own independent judgment as members of the committee and that they are not representatives of the individual Council members who appointed them.

2. Assistant City Attorney Meghan Roberts reviewed legal requirements for the committee, including open meetings, freedom of information, and avoidance of conflicts of interest. Chair Foote intends to keep the committee proceedings informal, as permitted by Roberts Rules of Order for small bodies, until it is necessary to conduct formal business. Committee members asked attorneys Roberts, Anderson and Kelleher specific legal questions with respect to meetings and corresponding with committee members by email.
3. Council Resolution No. 2707 was distributed to committee members and Chair Foote summarized the resolution and its mandate. The committee is charged with (1) writing a code of conduct and an ethics pledge by April 12, 2016, and (2) reviewing the findings in the report of the Commission on Integrity and Public Confidence in State Government to

determine whether any of the recommendations in that report can be applied to the City.

4. Committee members discussed the spirit of the resolution, promoting an ethical culture in City government. Individual members sought to clarify the scope of the resolution by identifying which government officials would be subject to the code of conduct. There was consensus that elected and appointed officials, including appointed members of boards and commissions, are those to whom the new code of conduct and ethics pledge would apply, not career staff. The committee consulted with staff and acknowledged that City employees already are subject to a code of conduct and must comply with the City Administrative Regulations (ARs), most notably AR6-1, the Code of Ethics.

The committee broadened its discussion to the concept of sustaining an ethical culture in municipalities. Frank Shafroth stressed the importance of civility. Mark Abramson and others raised the issue of campaign contributions. All members appear to want to look to the future, not to the past. Some members asked rhetorically “what problem are we trying to solve?”

Chair Foote noted the three types of disclosures required of elected officials:

- Personal finances 2X/year
- State Board of Elections required disclosures
- Transactional disclosures when specific land use matters are before the Council or board.

He observed that, although the processes for these disclosures promote transparency, the reality may differ because of the difficulty of assembling information from different sources.

Herve Aitken suggested creating a “living document” comprised of two parts, what is required and what is aspirational. He wondered whether the committee would have a future role beyond April 12, perhaps serving as an integrity commission. Randy Sengel stressed that enforcement mechanisms currently exist, so it is not necessary to create one. Deb Roepke concurred that enforcement should not be the focus.

Al Pierce brought the discussion back to addressing how to nurture an ethical culture. Committee members discussed whether to have some entity to take the code of conduct “beyond the poster.” Ideas included training and ethical briefings. Although, as Chair Foote explained, City Council struck down the idea of creating an ethics commission (a core recommendation in the State Integrity Report), he asked the committee to think about what kind of institutionalization might be appropriate. Randy Sengel asked the committee to look at AR6-1, which provides for City employees a structure for obtaining education and advice on matters of ethics. Chair Foote asked Jean Kelleher to provide background on the City’s ethics initiatives for City employees, including AR6-1 and whistle-blower protection, and on the Ethics and Fraud Hotline, which utilizes a third-party provider for confidentiality.

The committee continued its discussion of the importance of *ethos*, specifically who you are rather than what you do. Committee members discussed the importance of training – regular and dynamic. Frank Shafroth recommended that the Mayor and City Council teach sessions on ethics for ACPS students. Al Pierce believes the committee’s work should focus on how we as a City can be better, and what we can do to distinguish Alexandria, which would pay off in business. There was consensus that the Code of Conduct should be creative and positive, not focused on punishment or enforcement. It was noted that the School Board now has a Code of Conduct. Mark Abramson invoked the Athenian Code – to leave behind a city better than the one you found.

5. With 20 minutes remaining the committee discussed: procedures; report date of April 12, 2016; meeting schedule; participation by public and officials; and public access to committee materials. The committee agreed to meet on Thursday evenings, March 17, 24 and 31, from 7:00 to 9:00pm. They will not ask Council for an extension of time beyond April 12 unless it becomes necessary. The Chair expressed appreciation to the Mayor and Council for their willingness to consider such a request. At the next meeting the committee will concentrate on where to go with the open piece, beyond drafting a document. They will discuss what sort of extension activities, for example teaching or briefings, might be appropriate. The meeting on March 24 will focus on putting pen to paper and writing the Code of Conduct.
6. Through staff, the Chair and members of the committee distributed materials for the following session, including materials from the [Commission on Integrity and Public Confidence in State Government](#); examples of codes of conduct and ethics pledges; and research materials and citations from academic institutions. The Chair will invite Rick Boucher, Co-Chair of the State Commission, to meet with the committee. Staff will provide members with AR6-1 and the link to the City’s web page dedicated to this Code of Conduct Review Committee.
7. The meeting adjourned at 8:56pm.